

## **Public Notice – Environmental Regulation**

**Notice of intended action:** The State Air Pollution Control Board intends to consider drafting a proposal for the adoption and repeal of regulations on Consumer and Commercial Products (Rev. J07). A regulation is a general rule governing people's rights or conduct that is upheld by a state agency.

**Regulations affected:** The regulations of the board likely to be affected by this regulatory action are as follows: Existing Stationary Sources (9 VAC 5 Chapter 40) Articles 42, 49, and 50 will be amended and recodified in a new chapter for Consumer and Commercial Products (9 VAC 5 Chapter 45).

**Purpose of notice:** The board is seeking comments through the Department of Environmental Quality (DEQ) on the intended regulatory action, including but not limited to (i) ideas to assist in the development of a proposal, (ii) the costs and benefits of the alternatives stated in the agency background document or other alternatives, (iii) effects of the proposal on farm forest land preservation, and (iv) whether the DEQ should use an ad hoc advisory group. The board is also seeking information on impacts of the proposal on small businesses as defined in § 2.2-4007.1 of the Code of Virginia.

**Public comment period:** January 7, 2008 through February 6, 2008.

**Public meeting:** First Floor Conference Room, Department of Environmental Quality 629 East Main Street, Richmond, Virginia, at 1:30 p.m. on February 6, 2008. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to the development of a proposal.

**Public comment stage:** Notice of Intended Regulatory Action.

**Subject matter and intent of proposal:** The purpose of the proposed action is to adopt new and revised standards for the control of volatile organic compound (VOC) emissions from certain consumer and commercial products (specifically, for control of VOC emissions from consumer products and portable fuel container spillage) within the Northern Virginia and Fredericksburg VOC Emissions Control Areas and to extend the applicability of four consumer and commercial products regulations to the Richmond VOC Emissions Control Area (specifically, for control of VOC emissions from consumer products, portable fuel container spillage, architectural and industrial maintenance coatings, and mobile equipment repair and refinishing operations). The existing standards covering VOC emissions from portable fuel containers, architectural and industrial maintenance coatings, and consumer products will be amended and promulgated in a new chapter specifically for consumer and commercial products. A new regulation will also be adopted into this new chapter to control VOC emissions from adhesives and sealants which will be applicable only in the Northern Virginia and Fredericksburg VOC Emissions Control Areas. This action is being taken to allow Virginia to meet its obligation to implement control measures in areas designated as nonattainment under the 8-hour ozone standard and to implement contingency

measures within former nonattainment areas that have been redesignated as ozone maintenance areas.

**Ad hoc advisory group:** The DEQ will use an ad hoc advisory group to develop a proposal if it receives at least five written requests to use an ad hoc advisory group prior to the end of the public comment period. Persons requesting that DEQ use an ad hoc advisory group and are interested in assisting in the development of a proposal should notify the DEQ contact person by the end of the comment period and provide their name, address, phone number, e-mail address and affiliated organization (if any). The primary function of the ad hoc advisory group is to develop a proposal for DEQ consideration through the collaborative approach of regulatory negotiation and consensus.

**How to comment:** DEQ accepts written comments by e-mail, facsimile transmission and postal mail. In order to be considered, written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5:00 p.m. on the last day of the comment period. Due to problems with the quality of facsimile transmissions, commenters are encouraged to provide the signed original by postal mail within one week. Both oral and written comments are accepted at the public meeting. DEQ prefers that comments be provided in writing, along with any supporting documents or exhibits. All testimony, exhibits and documents received are part of the public record.

**How a decision is made:** After comments have been considered, the board will decide whether to take action on a proposal. If the board decides to consider the regulation, there will be another public comment opportunity, including a public hearing. After these comments have been considered, the board will make the final decision.

**To review regulation documents:** The agency background document (including purpose, statutory authority, legal requirements, need, substance of planned regulatory changes, alternatives and the family impact statement) is available on the Town Hall web site ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)) and the DEQ Air Public Notices for Regulations web site (<http://www.deq.virginia.gov/air/permitting/regnotes.htm>). The documents may also be obtained by contacting the DEQ representative named below. There are no regulation amendments available for public comment at this time. The public may review the documents at the DEQ's Office of Air Regulatory Development (Eighth Floor), 629 East Main Street, Richmond, Virginia between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.

**Contact for public comments, document requests and additional information:**  
Gary Graham, Air Regulatory Analyst, Office of Air Regulatory Development,  
Department of Environmental Quality, P.O. Box 1105, Richmond, Virginia 23218,  
phone: (804) 698-4103, fax: (804) 698-4510, email: [gegraham@deq.virginia.gov](mailto:gegraham@deq.virginia.gov).